

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

MAY 26 2006

Case No. 5545
Date Filed 5/23/06
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5545 MAP 34 TYPE Variance

ELECTION DISTRICT 03 LOCATION 2402 Thomas Run Road, Bel Air 21015

BY Jonathan and Jill Ruff

Appealed because a variance pursuant to Section 267-34C Table II of the Harford County Code to permit an addition to maintain a 57' rear yard setback (80' required) in the AG District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Jonathan Philip Ruff Phone Number 410 836-9557
Address 2402 Thomas Run Rd Bel Air, MD 21015
Street Number Street City State Zip Code

Co-Applicant Jill Leslie Ruff Phone Number 410 836-9557
Address 2402 Thomas Run Rd Bel Air, MD 21015
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2402 Thomas Run Rd Bel Air MD 21015

Subdivision _____

Lot Number 1

Acreage/Lot Size 1 acre Election District 03

Zoning AG

Tax Map No. 34 Grid No. 4F Parcel 419 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: House lived in by us Horse barn used for Storage

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

Back yard setback variance of 22.5 feet

Justification

See attached sheet

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

JUSTIFICATION

I hired a license architect to design a one-story addition that would improve the look as well as provide the space needed for our family of four.

The house was an old tenant house on the family farm built in the late 1800's with two bedrooms and only one bathroom. I would like to change the existing family room to a bedroom and bathroom and add a new family room mudroom combination.

Our request for variance of our back yard set back is unique because of the following:

It is both logistically and architecturally the only direction to build

Has septic and septic reserve out the front

Have above and belowground utilities out the right side

Have driveway / right of way out the left side

Is completely surrounded by the family farm owned by my father who has no objection to this addition

House is to remain in the family along with the farm

Farm and surrounding farms are in Ag preservation

Spoke with Bill Amoss and no concerns with the Ag preservation program

When this lot was established around the existing structure it was established to meet the minimum back yard setback

John B. Wysong

Registered

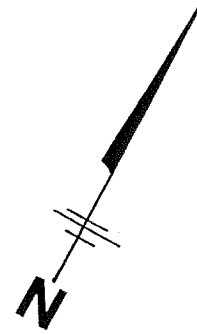
LAND SURVEYOR

2001 GLENVILLE ROAD

DARLINGTON, MARYLAND 21034

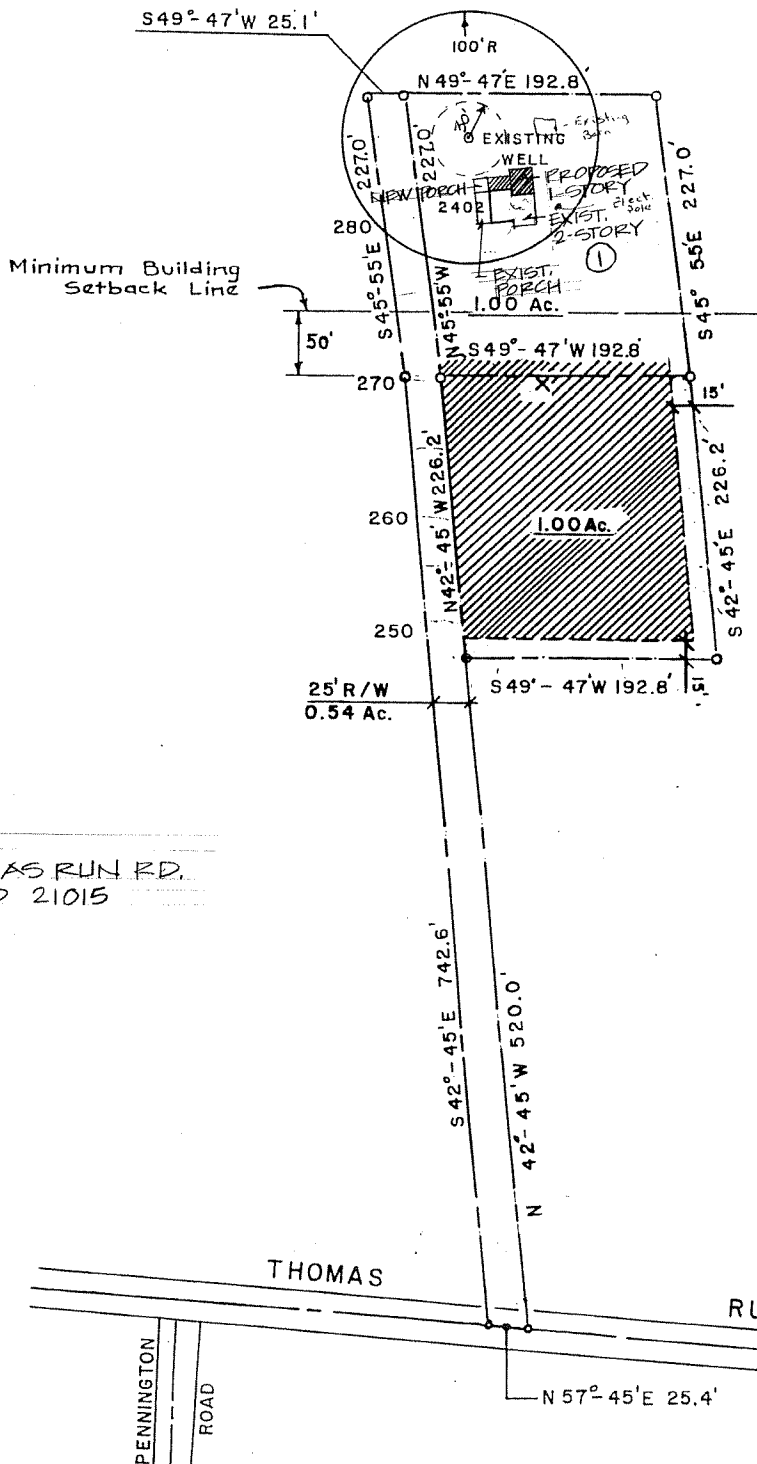
DRAWN BY	W.C.W.	
CHECKED	L.E.L.	
DATE	SCALE	FILE NO.
1-5-84	1" = 100'	

50-50



JAMES H. RUFF

986-566



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RUFF
2402 THOMAS RUN RD.
BEL AIR, MD 21015

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

July 11, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5545

APPLICANT/OWNER: Jonathan Philip Ruff
2402 Thomas Run Road, Bel Air, Maryland 21015

Co-APPLICANT: Jill Leslie Ruff
2402 Thomas Run Road, Bel Air, Maryland 21015

REPRESENTATIVE: Applicants

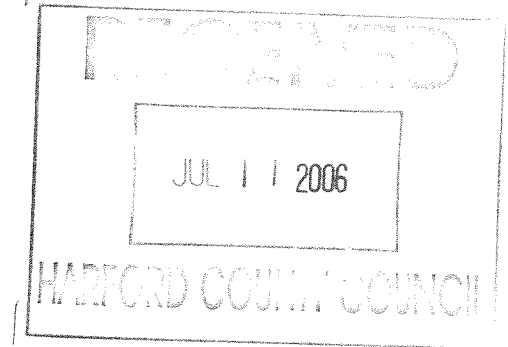
LOCATION: 2402 Thomas Run Road
Tax Map: 34 / Grid: 4F / Parcel: 419
Election District: Three (3)

ACREAGE: 1 acre

ZONING: AG/Agricultural

DATE FILED: May 23, 2006

HEARING DATE: July 20, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Back yard setback variance of 22.5 feet."

Justification:

See ATTACHMENT 1.

Preserving Harford's past; promoting Harford's future

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34C Table II of the Harford County Code to permit an addition to maintain a 57 foot rear yard setback (80 feet required) in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34C Table II of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located east of Ruffs Mill Road on the north side of Thomas Run Road across from the intersection of Pennington Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The primary land use designation is Agricultural. The Natural Features Map reflects stream systems, Sensitive Species Project Review Areas, Agricultural Preservation Districts and Easements, and the Rural Legacy Easements. The subject property is designated as Agricultural.

Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The predominant land use is Agricultural. There are no major residential developments in the area. The topography of the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the topography map and the aerial photograph (Attachments 7 and 8).

The Ruffs own and farm approximately 340 acres of land to the east of Ruffs Mill Road and on the north side of Thomas Run Road across from Pennington Road. The farm is a mix of pastureland, cropland and dense woodland with topography ranging from rolling to steep. The subject lot is approximately 1 acre in size and was created around a tenant house that was built in the 1800's. The lot sits to the right side of a driveway approximately 520 feet back from Thomas

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Board of Appeals Case Number 5545

Jonathan & Jill Ruff

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Run Road. The land to the front and sides of the dwelling are actively farmed while the land directly to the rear of the lot is densely wooded. There is a mobile home in the wooded areas just to the rear of the subject property. Improvements on the subject lot consist of a 2 ½ story frame farm house, a frame wooden garage, a well and septic system. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in the area is AG/Agricultural. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C Table II of the Harford County Code to permit an addition to maintain a 57 foot rear yard setback (80 feet required) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. This lot was created as a one acre child lot from the overall farm which is in the State Agricultural Easement Program. A variance was granted by the Board of Appeals in case 3010 to create the lot without the necessary road frontage (Attachment 12). The proposed location of the addition is the only practical area given the location of the existing improvements (Attachment 13). The requested variance will not adversely impact the intent of the code or the neighborhood.

RECOMMENDATION and or SUGGESTED CONDITIONS:

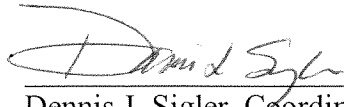
The Department of Planning and Zoning recommends that the request be approved subject to the Applicants obtaining all necessary permits and inspection for the proposed additions.

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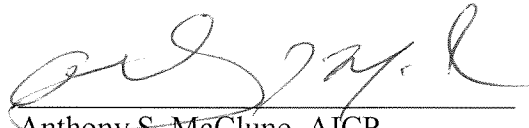
Jonathan & Jill Ruff

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Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning